

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEYHAN MOHANNA,

Plaintiff,

v.

WILMINGTON SAVINGS FUND
SOCIETY, FSB,

Defendant.

Case No. [21-cv-03605-DMR](#)

**ORDER DISMISSING CASE FOR
FAILURE TO PROSECUTE**

The court previously dismissed Plaintiff's wrongful foreclosure lawsuit for failure to prosecute after Plaintiff did not file an opposition or statement of non-opposition to Defendant's motion to dismiss. [Docket No. 23.] After Plaintiff moved for reconsideration, the court reopened the case on the basis of excusable neglect, *see* Fed. R. Civ. P. 60(b)(1), and directed Defendant to re-file its motion. [Docket No. 26]. However, the court warned Plaintiff that in light of his long history of failing to adhere to filing deadlines to prosecute his cases, including before this court,¹ he must file and serve his opposition brief within fourteen days after Defendant re-files its motion. Plaintiff was further warned that his failure to file a timely opposition could result in dismissal. *Id.*

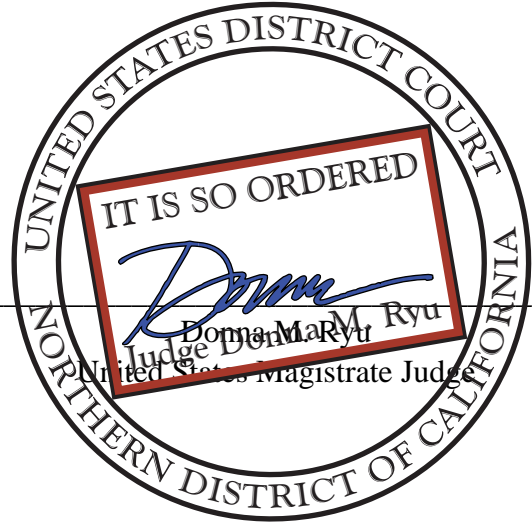
Defendant duly re-filed its motion to dismiss and certified that it served Plaintiff with it by mail on March 1, 2022. [Docket Nos. 27, 29.] Under Civil Local Rule 7-3(a), Plaintiff had until

¹ *See, e.g., Mohanna v. Wells Fargo Bank, N.A.*, No. 21-cv-3797-DMR, 2021 WL 4079210, at *5 (N.D. Cal. Sept. 8, 2021), *appeal dismissed*, No. No. 21-16673 (9th Cir. Jan. 13, 2022) (ECF No. 4); *Mohanna v. Carrington Mortg. Servs. LLC*, No. 18-cv-2563-WHO, 2018 WL 5778354, at *4 (N.D. Cal. Nov. 1, 2018), *appeal dismissed*, No. 18-17288, 2019 WL 6449209 (9th Cir. Nov. 7, 2019); *Mohanna v. Bank of Am., N.A.*, No. 16-cv-1033-HSG, 2017 WL 976015 (N.D. Cal. Mar. 14, 2017) (denying motion for default judgment); *see also HSBC Bank USA N.A. v. Mohanna*, No. A151378, 2020 WL 4745248 (Cal. Ct. App. Aug. 17, 2020) (unpublished).

March 15, 2022 to file his opposition brief or statement of non-opposition. Nothing has been filed. Accordingly, the court again dismisses this case without prejudice for failure to prosecute. The pending motion to dismiss is terminated, and the April 14, 2022 hearing on the motion is vacated. The Clerk shall close this case.

IT IS SO ORDERED.

Dated: March 24, 2022



United States District Court
Northern District of California